



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 17, 1998

Ms. Patricia Rodriguez
Cornwell & Rodriguez
2161 N.W. Military Highway, Suite 211
San Antonio, Texas 78213

OR98-1946

Dear Ms. Rodriguez:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 117495.

The Travis County Housing Authority (the "authority"), which you represent, received a request for "any written opinion prepared by the Housing Authority's attorney regarding contracts entered into by the Housing Authority, including requests for proposals related to the design and construction of affordable housing project [sic]." You indicate that the responsive information consists of two legal memoranda prepared by the authority's attorney dated March 10, 1997 and June 11, 1997 concerning a potential design/build contract. The documents contain substantially the same information. You claim that the requested information is excepted from required public disclosure by sections 552.103 and 552.107 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

Section 552.107(1) excepts information that an attorney cannot disclose because of a duty to his client. In Open Records Decision No. 574 (1990), this office concluded that section 552.107 excepts from public disclosure only "privileged information," that is, information that reflects either confidential communications from the client to the attorney or the attorney's legal advice or opinions; it does not apply to all client information held by a governmental body's attorney. *Id.* at 5. When communications from attorney to client do not reveal the client's communications to the attorney, section 552.107 protects them only to the extent that such communications reveal the attorney's legal opinion or advice. *Id.* at 3. In addition, basically factual communications from attorney to client, or between attorneys representing the client, are not protected. *Id.* After reviewing your arguments and the submitted material, we find that the memoranda reflect the legal advice or opinions of the authority's attorney. Consequently, the requested memoranda may be withheld under section 552.107 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Don Ballard". The signature is written in a cursive, slightly slanted style.

Don Ballard
Assistant Attorney General
Open Records Division

JDB/nc

Ref: ID# 117495

Enclosures: Submitted documents

cc: Mr. John J. Carlton
Armbrust, Brown & Davis, L.L.P.
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Austin, Texas 78701
(w/o enclosures)